

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LBS INNOVATIONS, LLC,

Plaintiff,

v.

FOURSQUARE LABS, INC.,

Defendant.

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Civil Action No. 2:14-cv-697

Jury Trial Demanded

**PLAINTIFF LBS INNOVATIONS, LLC'S
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff LBS Innovations, LLC files this Complaint against Foursquare Labs, Inc. and alleges as follows.

PARTIES

1. Plaintiff LBS Innovations, LLC ("LBSI") is a Texas Limited Liability Company with its principal place of business at 815 Brazos Street, Suite 500, Austin, Texas 78701.

2. Upon information and belief, Defendant Foursquare Labs, Inc. ("Defendant" or "Foursquare") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 568 Broadway, 10th Floor, New York, New York 10012. Foursquare may be served with process through its registered agent, Business Filings Incorporated, 108 West 13th Street, Wilmington, Delaware.

BACKGROUND

3. On information and belief, Defendant engages in electronic commerce conducted on and using at least, but not limited to, the website www.foursquare.com.

4. On information and belief, Defendant owns, operates, and/or directs the operation of the website www.foursquare.com, which has a location interface at, for example, <https://foursquare.com/explore?cat=food&mode=url&near=Marshall%2C%20TX> .

5. On information and belief, Defendant has tested and/or used the website www.foursquare.com and its location interface.

6. Defendant currently provides and/or has provided website visitors (“End Users”) access to its site, www.foursquare.com, including its location interface.

7. Defendant directs End Users to operate the location interface of its website, www.foursquare.com, for example, by providing links and directions to its location interface as well as instructions on its proper use and operation.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the patent laws of the United States of America, Title 35, United States Code.

9. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Upon information and belief, Defendant is subject to this Court’s general and/or specific personal jurisdiction because it (a) is a resident of the State of Texas; and/or (b) has designated an agent for service of process in the State of Texas; and/or (c) is engaged in continuous and systematic activities in the State of Texas; and/or (b) has committed acts of infringement in the State of Texas as alleged below. Therefore, this Court has personal jurisdiction over the Defendant under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

11. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has a regular and established place of business in this district, and/or has transacted business in this district and has committed and/or induced acts of patent infringement in this district.

THE PATENT-IN-SUIT

12. On July 18, 2000, the United States Patent and Trademark Office issued United States Patent No. 6,091,956 (“the ’956 Patent”) entitled “Situation Information System,” a true copy of which is attached as Exhibit A.

13. LBSI is the owner by assignment of the ’956 Patent and owns all right, title and interest in the ’956 Patent, including the right to sue for and recover all past, present and future damages for infringement of the ’956 Patent.

CLAIM 1 -- INFRINGEMENT OF U.S. PATENT NO. 6,091,956

14. Defendant Foursquare has been and is now directly infringing one or more claims of the ’956 Patent in violation of 35 U.S.C. § 271 (a), by making, using, offering to sell and/or selling, in the United States, location information computer systems and methods such as the computer implemented website www.foursquare.com, which has a location interface available at, for example, <https://foursquare.com/explore?cat=food&mode=url&near=Marshall%2C%20TX> and other related and/or similar webpages.

15. In addition and/or in the alternative, Foursquare has been and/or is now indirectly infringing one or more claims of the ’956 Patent in violation of 35 U.S.C. § 271 (b), by inducing End Users to directly infringe the ’956 Patent through their use of the infringing instrumentalities. Foursquare induces such infringement by at least making its website available

to End Users and providing links and/or other directions on its website and/or the Internet for End Users to visit, download, and/or use the infringing instrumentalities.

16. Foursquare engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activity induces End Users to directly infringe the '956 Patent.

17. As a direct and proximate consequence of the acts and practices of the Defendant in infringing, directly and/or indirectly, one or more claims of the '956 Patent, LBSI has suffered, is suffering, and will continue to suffer injury and damages for which it is entitled to relief under 35 U.S.C. § 284 in an amount to be determined at trial.

18. The limitation of damages provision of 35 U.S.C. § 287(a) is not applicable to LBSI.

DEMAND FOR JURY TRIAL

19. LBSI, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable.

PRAYER FOR RELIEF

WHEREFORE, LBSI requests entry of judgment that:

1. Defendant has infringed the patent-in-suit;
2. Defendant accounts for and pays to Plaintiff all damages caused by their respective infringement of the patent-in-suit; and
3. Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of one or more of Defendant's patent infringement;
4. Costs be awarded to Plaintiff; and

5. Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: June 18, 2014

Respectfully submitted,

BUETHER JOE & CARPENTER, LLC

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